

**Application Number:** 15/10951 Full Planning Permission

**Site:** 39-41 HIGH STREET, RINGWOOD BH24 1AD

**Development:** Use of first and second floors as 2 flats; roof light; new soil vent pipe; bin and cycle store

**Applicant:** St. Peter's Ltd.

**Target Date:** 04/09/2015

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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy; to agree the waiving of the affordable housing contribution

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Built-up area, Conservation Area

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
4. Economy
6. Towns, villages and built environment quality

Policies

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS15: Affordable housing contribution requirements from developments
- CS17: Employment and economic development
- CS20: Town, district, village and local centres
- CS24: Transport considerations
- CS25: Developers contributions

**Local Plan Part 2 Sites and Development Management Development Plan Document**

- DM1: Heritage and Conservation
- DM3: Mitigation of impacts on European nature conservation sites
- DM14: Primary shopping frontages

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD - Mitigation Strategy for European Sites

**6 RELEVANT PLANNING HISTORY**

- 6.1 Alterations to store to include reinstatement of door and 2 windows; replacement of double door with single; 2 windows; rooflights; mezzanine floor (10/95568) - refused 22/6/10 - appeal allowed
- 6.2 Remove stud walls; create doors; new stud walls. insulate and line walls; new ceilings; rooflight; new soil vent pipe; bin and cycle store (Application for Listed Building Consent) (15/10952) granted 26th October 2015.

**7 PARISH / TOWN COUNCIL COMMENTS**

Ringwood Town Council:- Recommend permission, but would accept a delegated decision

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to parking condition for cars and cycles
- 9.2 Policy:- Loss of offices would be contrary to Policy DM14, but given the permission has previously been given for the conversion of the rear outbuilding to A2 offices, it is felt that the proposal may be considered acceptable, as alternative office accommodation is capable of being provided.
- 9.3 Conservation Officer:- No objection subject to conditions
- 9.4 Environmental Health (contaminated land):- No comments
- 9.5 Land Drainage:- No comment

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

**12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission and the dwellings built, the Council will receive £2304 in each of the following six years from the dwellings' completion, and as a result, a total of £13,824 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments. Based on the information provided at the time of this report this development has a CIL liability of £0.00.

### **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, there have been negotiations with the applicant since the application was registered, and amended plans have been submitted, which has enabled a positive recommendation to be made.

### **14 ASSESSMENT**

- 14.1 The application site is a Grade II Listed building within the Ringwood Conservation Area. The site also lies within the Ringwood Town Centre boundary. The building was originally a single house that was turned into 3 shops during the nineteenth century. Today, the building, which is 3-storeys high, is used as an estate agents, the upper 2 floors being used as ancillary offices and storage.
- 14.2 This planning application seeks to convert the first and second floors of the building to 2 flats. A new rooflight and a new soil and vent pipe are proposed on the building's rear elevation. A new bin and cycle store is proposed to the rear of the existing store building. A separate Listed

Building Consent application has been submitted for the external and internal works associated with the proposed change of use.

- 14.3 The application site is within Ringwood's Primary Shopping Frontage. Local Plan Part 2 Policy DM14 is therefore relevant. This policy indicates that on upper floors within the Primary Shopping Frontage, the provision of residential uses will be acceptable where this can be achieved without the loss of gross floorspace in retail or appropriate non-retail uses within the existing premises, or the loss of ancillary storage space, or the loss of the ability to service the premises off-street.
- 14.4 In this case, the residential development that is proposed would result in the loss of appropriate non-retail floorspace. The loss of this floorspace would not be consistent with Local Plan Part 2 Policy DM14. However, in this case, it is notable that planning permission has previously been granted for conversion of the outbuilding to the rear of the site to ancillary A2 offices. This conversion has yet to be completed, but it is understood that the applicants intend to carry out this conversion, and thus provide alternative accommodation that would help to offset the loss of existing commercial floorspace. In addition, it is important to recognise that in this case, conversion of the existing upper floors of the building would have been permitted development, were it not for the fact that the building is Grade II Listed. Furthermore, it is important to recognise that recent national policy changes have sought to facilitate residential conversions such as that proposed here, recognising the significant national need for additional residential accommodation. Taking all of these factors into consideration, it is felt that there is a reasonable justification to permit this proposal contrary to Policy DM14, provided that the development does not adversely affect the character and setting of the existing Grade II Listed Building.
- 14.5 The Council's Conservation Officer is satisfied that the proposed development could be implemented without adversely affecting the heritage interest of the Listed Building. The new conservation rooflight would be a justified alteration to the building that would not detract materially from its historic and architectural interest. The new soil and vent pipe would also be an acceptable alteration. There would be a need for conditions to ensure these external alterations to the building are appropriately detailed. The rear cycle store would be a modest structure, that would be of an acceptable design. Its position would also be acceptable. As a whole, it is considered the development would be sympathetic to the character and appearance of the Ringwood Conservation Area.
- 14.6 The proposed development would not have any material impact on the amenities of adjacent properties.
- 14.7 Under Core Strategy Policy CS15, there would be a requirement for this development to secure an affordable housing contribution. The contribution required in this case would be £30,460. However, as indicated above, planning permission is only required for this proposal on account of the building's listed status which, in turn, means that an affordable housing contribution is only required because of the building's listed status. It is felt that it would be unreasonable and unfair to require the applicant to make an affordable housing contribution, simply because the building is Listed, and therefore it is felt the affordable housing contribution should be waived.

14.8 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full habitat mitigation contribution that would need to be secured is £4100.

14.9 Overall, the proposed development is considered to be consistent with Local Plan policies in so far as the proposal is a well designed development that would be an appropriate use of a Grade II Listed Building. The proposed residential use would not accord with Local Plan Policy DM14, but would be justified by the site's planning history and by national planning policies and legislation. Waiving the affordable housing contribution would also be justified due to the fact that similar proposals in non-listed buildings would be exempt from the need to secure an affordable housing contribution. As such, the application is recommended for permission.

14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

#### Developers' Contributions Summary Table

<b>Proposal:</b>			
<b>Habitats Mitigation</b>			
Financial Contribution	£4100		

#### CIL Contribution Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	105	105	0	£0.00
Financial and professional services	118	118	0	£0.00

## 15. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:500 Block Plan, 4188:13A, 4188:12A, 4188:14, 4188:11, HCRS/GHR/AW/01 rev 0, HCRS/GHR/AW/02 rev 0, HCRS/GHR/AW/03 rev 0, HCRS/GHR/AW/04 rev 0.  
  
Reason: To ensure satisfactory provision of the development.
  
3. The new soil and vent pipe hereby approved shall be painted matt black and shall be maintained as such in perpetuity.  
  
Reason: To safeguard the historic character and architectural interest of the Listed Building and the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management.
  
4. Prior to the commencement of development, large scale details of all external flues, vents and pipes and their locations on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the approved details.  
  
Reason: To safeguard the historic character and architectural interest of the Listed Building and the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management.
  
5. Prior to the commencement of development, large scale drawings and sections and details of the metal framed and structurally glazed conservation roof light shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: To safeguard the historic character and architectural interest of the Listed Building and the character and appearance of the Ringwood Conservation Area in accordance with Policy CS3 of the Core Strategy for New Forest District outside of the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management.

6. Before development commences, samples or exact details of the facing and roofing materials to be used on the new cycle / bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

7. Before use of the development is commenced provision for parking, for both cars and cycles, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car and cycle parking provision for the approved development, in accordance with Policies CS1, CS2 and CS24 of the Core Strategy for New Forest District outside of the National Park.

8. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

**Notes for inclusion on certificate:**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case, there have been negotiations with the applicant since the application was registered, and amended plans have been submitted, which has enabled a positive recommendation to be made.

2. In discharging condition No. .... above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)





**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
November 2015**

**Item No: 3d**  
39-41  
High Street  
Ringwood  
15/10951  
SU1405

Scale 1:1250

N.B. If printing this plan from  
the internet, it will not be to  
scale.

